

Chapter 8

Utah Elected Official and Judicial Salary Act

67-8-1 Short title.

This act shall be known and may be cited as the "Utah Elected Official and Judicial Salary Act."

Amended by Chapter 34, 2007 General Session

67-8-2 Salaries of judges established annually in appropriations act -- Bases of salaries -- Additional compensation.

- (1) The salaries of judges of courts of record, as described in Section 78A-1-101, shall be set annually by the Legislature in an appropriations act.
- (2) Judicial salaries shall be based on the following percentages of the salary of a district court judge:
 - (a) juvenile court judges: 100%;
 - (b) Court of Appeals judges: 105%; and
 - (c) justices of the Supreme Court: 110%.
- (3)
 - (a) A salary described in Subsection (2) does not include additional compensation provided for a presiding judge, presiding officer, or associate presiding judge in:
 - (i) Section 78A-2-106;
 - (ii) Section 78A-4-102;
 - (iii) Section 78A-5-106; or
 - (iv) Section 78A-6-203.
 - (b) Compensation described in Subsection (3)(a) does not constitute a salary for purposes of Utah Constitution, Article VIII, Section 14.

Amended by Chapter 347, 2015 General Session

67-8-3 Compensation plan for appointive officers -- Exceptions -- Legislative approval -- Career status attorneys.

- (1)
 - (a) The executive director of the Department of Human Resource Management, based upon recommendations of the Executive and Judicial Compensation Commission shall, before October 31 of each year, recommend to the governor a compensation plan for appointed officers of the state except those officers whose compensation is set under Section 49-11-203, 53A-1-302, 53B-1-105, or 53C-1-301.
 - (b) The plan shall include salaries and wages, paid leave, group insurance plans, retirement programs, and any other benefits that may be offered to state officers.
- (2) The governor shall include in each annual budget proposal to the Legislature specific recommendations on compensation for those appointed state officers in Subsection (1).
- (3)
 - (a) After consultation with the attorney general, the executive director of the Department of Human Resource Management shall place career status attorneys on a state salary schedule at a range comparable with salaries paid attorneys in private and other public employment.

- (b) The attorney general and the executive director shall take into consideration the experience of the attorney, length of service with the Office of the Attorney General, quality of performance, and responsibility involved in legal assignments.
- (c) The attorney general and the executive director shall periodically adjust the salary levels for attorneys in a career status to reasonably compensate them for full-time employment and the restrictions placed on the private practice of law.

Amended by Chapter 139, 2006 General Session

**67-8-4 State Elected Official and Judicial Compensation Commission created --
Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --
Compensation -- Secretary.**

- (1) There is created a state Elected Official and Judicial Compensation Commission comprised of six members, not more than three of whom may be from the same political party, appointed as follows:
 - (a) one member appointed by the governor;
 - (b) one member appointed by the president of the Senate;
 - (c) one member appointed by the speaker of the House of Representatives;
 - (d) two members appointed by the other three appointed members; and
 - (e) one member appointed by the State Bar Commission.
- (2)
 - (a) Except as required by Subsection (2)(b), all persons appointed to the commission shall serve four-year terms or until their successors are duly appointed and qualified.
 - (b) Notwithstanding the requirements of Subsection (2)(a), the appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.
- (3)
 - (a) The commission shall select a chair and a vice chair from opposite political parties at its first meeting.
 - (b) Four members of the commission shall constitute a quorum.
 - (c) The commission shall take no action nor make any determination without the concurrence of a majority of its members being present.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (5) No member or employee of the legislative, judicial, or executive branch of government is eligible for appointment to the commission. The legislative fiscal analyst shall serve as an ex officio, nonvoting secretary of the commission.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session

67-8-5 Duties of commission -- Salary recommendations.

- (1) The commission shall recommend to the Legislature:

- (a) salaries for the governor, the lieutenant governor, the attorney general, the state auditor, and the state treasurer;
 - (b) salaries for justices of the Supreme Court and judges of the constitutional and statutory courts of record; and
 - (c) compensation for members of the State Board of Education.
- (2) The commission shall:
- (a) in making recommendations on salaries described in Subsections (1)(a) and (b):
 - (i) make studies and formulate recommendations concerning the wage and salary classification plan based upon factors such as educational requirements, experience, responsibility, accountability for funds and staff, comparisons with wages paid in other comparable public and private employment within this state, and other states similarly situated, and any other factors generally used in similar comprehensive wage and salary classification plans so that the plan and its administration reflect current conditions at all times; and
 - (ii) consult and advise with, and make recommendation to, the Department of Human Resource Management regarding the plan, its administration, and the position of any elected official and judge covered by the plan;
 - (b) in making recommendations on compensation described in Subsection (1)(c), make studies and formulate recommendations concerning compensation of members of state boards of education in other states and other factors the commission determines to be relevant so that the compensation reflects current conditions at all times;
 - (c) submit to the Executive Appropriations Committee not later than 60 days before commencement of each annual general session:
 - (i) a report briefly summarizing its activities during the calendar year immediately preceding the session;
 - (ii) recommendations concerning revisions, modifications, or changes, if any, that should be made in the plan, its administration, the classification of any elected official or judge under the plan, or the compensation of members of the State Board of Education; and
 - (iii) specific recommendations regarding the office of governor, lieutenant governor, attorney general, state auditor, and state treasurer concerning adjustments, if any, that should be made in the salary or other emoluments of office so that all elected and judicial officials receive equitable and consistent treatment regardless of whether salaries are fixed by the Legislature or by the Department of Human Resource Management; and
 - (d) conduct a comprehensive review of judicial salary levels and make recommendations for judicial salaries in a report to the president of the Senate, the speaker of the House of Representatives, and the governor by November 1, prior to the convening of the general session of the Legislature in each odd-numbered year.
- (3)
- (a) The recommendation under Subsection (2)(d) shall be based upon consultation with the Judicial Council and upon consideration for the career status of judges. It shall be based upon comparisons with salaries paid in other states and in comparable public and private employment within this state.
 - (b) In even-numbered years, the commission shall update its prior report, based upon the Consumer Price Index and other relevant factors, and shall forward its updated recommendations as prescribed in this section.
- (4) The Judicial Council shall cooperate with the commission in providing information on the judicial branch of government and on the individual levels of court as requested. The director of personnel from the Office of the Court Administrator shall provide the salary comparison data

referred to in this section to the legislative fiscal analyst and shall provide other staff assistance and support as requested by the legislative fiscal analyst.

Amended by Chapter 289, 2015 General Session

67-8-6 Legislative fiscal analyst performing administrative functions for commission -- Employment of professional assistance -- Assistance of state agencies -- Publication of reports.

Administration, budgeting, procurement, and related management functions for the commission shall be performed by the legislative fiscal analyst. The commission is, however, authorized to employ professional assistance if deemed necessary and to request assistance from any agency or institution of the state. It may also prepare, publish, and distribute from time to time reports of its studies and recommendations and statements in support of its recommendations.

Enacted by Chapter 267, 1981 General Session